

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**ARCHIE RACHEL,**

**Plaintiff,**

**v.**

**JEFFREY TROUTT, et al. ,**

**Defendant(s).**

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**Case No. CIV-15-141-R**

**REPORT AND RECOMMENDATION**

On February 6, 2015, Plaintiff, a state prisoner appearing *pro-se* and *in forma pauperis*, filed his Complaint in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to the undersigned magistrate judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). On April 21, 2017, United States District Judge David L. Russell entered an Order adopting a Report and Recommendation and re-referring the matter to the undersigned Magistrate Judge for further proceedings. *See* ECF No. 110.

Following entry of Judge Russell's Order, the undersigned entered an Order establishing deadlines for responsive pleadings, discovery and dispositive motions in this case. *See* ECF No. 112. On May 5, 2017, Defendants' filed an Answer (ECF No. 113). All deadlines have passed.

To this date, neither party has filed a dispositive motion or sought additional time to do so. Therefore, as the time allotted to the parties for filing dispositive motions has expired, and there are no pending dispositive motions in this action, the referral of this action to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) should be terminated and the matter should be set for trial.

### RECOMMENDATION

Based on the foregoing findings, it is recommended that the referral of this action to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) be **TERMINATED** and the matter be set for trial.

### NOTICE OF RIGHT TO OBJECT

The parties are hereby advised of their right to object to this Report and Recommendation. *See* 28 U.S.C. § 636. Any objection must be filed with the Clerk of the District Court by **September 5, 2017**. *See* 28 U.S.C. § 636(b)(1); and Fed. R. Civ. P. 72(b)(2). Failure to make timely objection to this Report and Recommendation waives the right to appellate review of both factual and legal questions contained herein. *Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

### STATUS OF THE REFERRAL

This Report and Recommendation disposes of all issues currently referred to the undersigned magistrate judge in the captioned matter.

ENTERED on August 17, 2017.

  
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SHON T. ERWIN  
UNITED STATES MAGISTRATE JUDGE